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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 919089WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US02/11041	International filing date (day/month/year) 11 APRIL 2002	Priority date (day/month/year) 12 APRIL 2001
International Patent Classification (IPC) or national classification and IPC Please See Supplemental Sheet.		
Applicant QUALCOMM INCORPORATED		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 12 NOVEMBER 2002	Date of completion of this report 02 JUNE 2003
Name and mailing address of the IPEA/US Communicator of Patents and Trademarks Box PCT Washington, D.C. 20531	Authorized officer WELLINGTON CHEN <i>Rugenia Zogan</i>
Facsimile No. (703) 305-5930	Telephone No. (703) 305-5939

I. Basis of the report

1. With regard to the elements of the international application:*



the international application as originally filed



the description:

pages 1-10

, as originally filed

pages NONE

, filed with the demand

pages NONE

, filed with the letter of



the claims:

pages 11-13

, as originally filed

pages NONE

, as amended (together with any statement) under Article 19

pages NONE

, filed with the demand

pages NONE

, filed with the letter of



the drawings:

pages 1-4

, as originally filed

pages NONE

, filed with the demand

pages NONE

, filed with the letter of



the sequence listing part of the description:

pages NONE

, as originally filed

pages NONE

, filed with the demand

pages NONE

, filed with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:



the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).



the language of publication of the international application (under Rule 48.3(b)).



the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:



contained in the international application in printed form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

the description, pages NONE



the claims, Nos. NONE



the drawings, sheets/fig. NONE

5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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PCT/US02/11641

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. statement

Novelty (N)

Claims 1-15 YESClaims NONE NO

Inventive Step (IS)

Claims 1-15 YESClaims NONE NO

Industrial Applicability (IA)

Claims 1-15 YESClaims NONE NO

2. citations and explanations (Rule 70.7)

Claims 1-15 meet the criteria set out in PCT Article 35(8)-(9), because the prior art does not teach or fairly suggest in a wireless communication system adapted for packet data transmissions, a system comprising: receiving a rate request indicator DRR for a mobile station; determining a fairness parameter (alpha) for the mobile station; calculating a projected throughput value T for the mobile station as a function of the rate request indicator; calculating a priority function for the mobile station as $DRR/(T^{\alpha})$ (alpha exponent); and scheduling transmissions to the mobile stations according to the priority functions.

NEW CITATIONS

US 5,914,950 A (TIEDEMANN, JR. ET AL.) 22 JUNE 1999, SEE COL. 3, LINES 40-67, COL. 6-38, COL. 34, LINES 1-50.

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

CLASSIFICATION:

The International Patent Classification (IPC) and/or the National classification are as listed below:
IPC(7): H04Q 7/22; H04L 12/56 and US Cl.: 370/252, 329, 330, 335, 345, 346, 348, 395, 441, 479